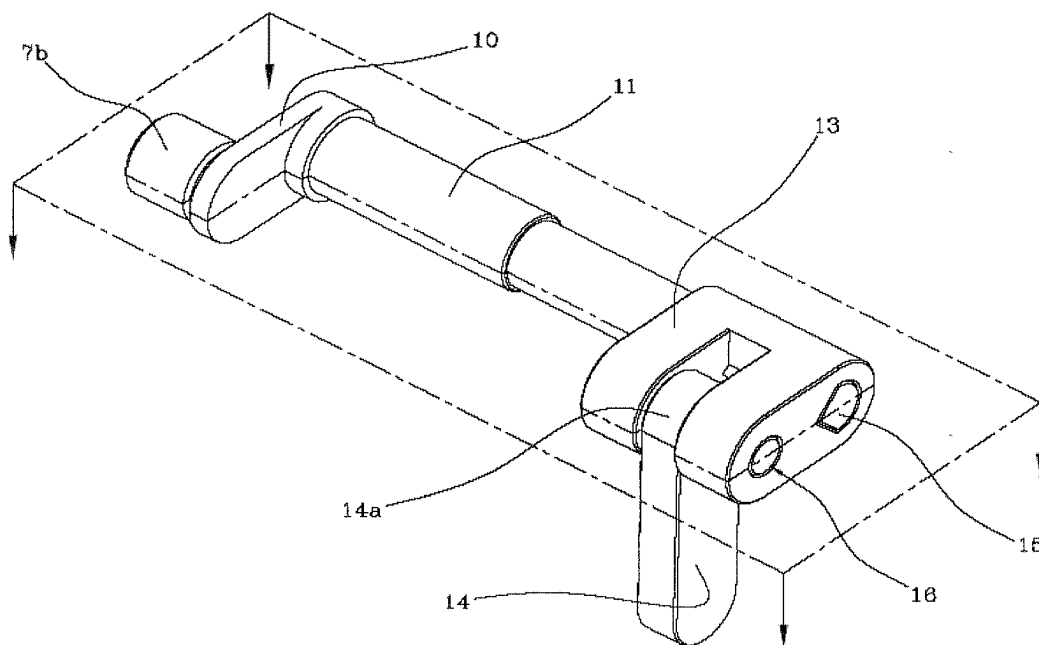


## REMARKS

The Office Action mailed December 17, 2007 has been received and carefully considered. The above amendments and following remarks are submitted in response thereto.

Claim 7 has been amended and new claims 8 - 12 have been added. The amendments to the claims do not introduce new matter, since they contain only limitations that were already disclosed in the original application.

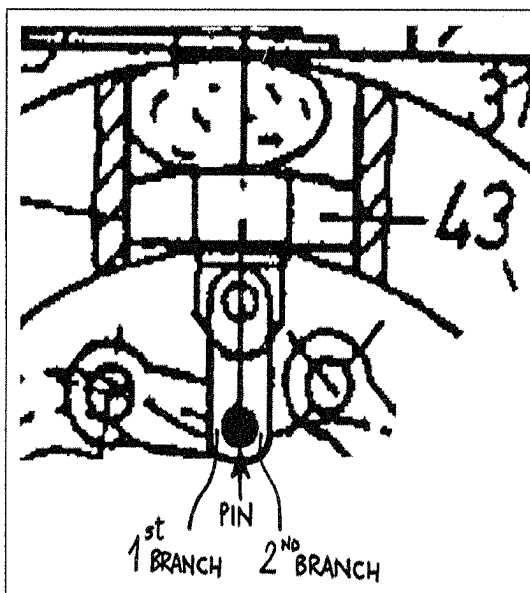
The following explanatory figure has been drawn for explanation and in support of the amendments to Claim 7 and the limitations of new Claim 10:



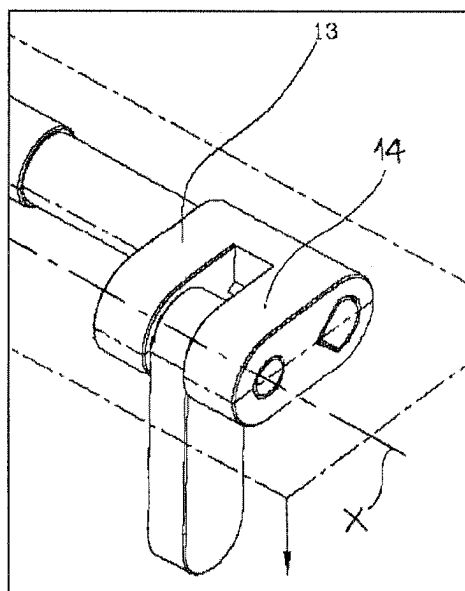
This figure shows a perspective view of the crank mechanism, and in particular it shows the cam follower 7b, the first crank 10, the shaft 11, the key 15, the second crank 13, the first end 14a of the connecting control rod 14 and the first pin 16. It is evident from the figure the "crankshaft" shape of the shaft.

The figure above appended identifies a plane (in dashed line) in respect of which the section view of Figure 4 of the application has been correctly drawn. The arrows indicate the direction of view corresponding to Figure 4 of the application.

A comparison of the interpretation of Konig et al'342 by the Examiner and the structure claimed in the present application shows a strong difference which would result in a difference in operation such that the reference does not meet the claimed structure.



Konig et al '342



Present Invention

The structure disclosed and claimed clearly differs from the prior art.

#### **Information Disclosure Statement**

The Office Action stated that an English language translation of DE 844569 and a legible copy of GB 520,686 submitted with the prior Response of June 5, 2007 have not been received in the Group. Fresh copies are attached herewith. The Applicants respectfully request consideration of these references.

**Claim Rejections - 35 U.S.C. § 102**

Claims 1 - 7 were rejected under 35 U.S.C. §102(b) as being anticipated by Konig et al. (US 5,441,342).

Konig et al. ('342) does show a rotary drum having a plurality of radial cells (3, 4) which are designed to be used for transferring and kneading dough. The pistons disclosed in Konig et al. ('342) are coupled to the respective radial cells in a way which can eject all the dough part from the radial cell at the deposit station (39). The crank mechanism disclosed in Konig et al. ('342) is designed to be used in a drum, and to drive pistons, which are designed to transfer and knead dough and, as a result, said crank mechanism needs to be strong and linked to a high power source, due substantially to the high viscosity, the high density and the high stick properties of the dough which is treated.

The crank mechanism which is shown in Konig et al. ('342) is not able to enable the pistons to move in a direction that is perfectly aligned with a longitudinal axis of the respective dosing cell as claimed. In fact, as can be seen in figure 2 of Konig et al. ('342), the crank 113 is eccentrically connected to the respective connecting rod 114 which drives the piston 43. Contrary to the statements in the Office Action, such an eccentric linkage would product a bending or flexion action on the connecting rod 114 with respect to a direction along which the latter translates. Such a bending action, when transmitted to the piston, could cause problems for the sliding motion of the piston, so leading to a teaching-away from the underlying technical problem of the present application.

Claim 7 requires, among other things, the end of the second crank that is linked to the connecting rod be fork-shaped having two parallel arms extending perpendicular to a longitudinal axis of the transmission shaft with a coaxial hole in

each arm aligned in parallel with the axis of the transmission shaft, and that each crank means further includes a pin in said coaxial holes coupling the first end of the connecting rod to the second crank, the first end of the connecting rod being positioned between the two arms. In this manner, the end of the second crank that is connected to the connecting rod acts coaxially on the piston.

As can be seen by the comparison drawing above, Konig '342 does not teach or suggest such structure. In fact, the Office Action asserts that the end of the connecting rod is "fork-shaped", which may or may not be considered to be the case. It is the end of the second crank that is claimed to be fork-shaped which is not taught or suggested.

In view of the above, it is therefore clear that Konig et al. ('342) does not anticipate present claim 7 of the application. Thus, it is respectfully requested that the rejection of claim 7 under 35 U.S.C. § 102 be withdrawn.

### **Claim Rejections - 35 U.S.C. §103**

Claims 1-5, 6 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Romagnoli (U.S. Patent No. 4,870,808) in view of Konig et al. (U.S. Patent No. 5,486,048).

The Applicants respectfully submit that the crank mechanism disclosed by Konig et al. ('048) is designed to be used in a drum, and to drive pistons, which are designed to transfer and knead dough and, as a result, said crank mechanism must be strong and linked to a high power source, due substantially to the high viscosity, the high density and the high stick properties of the dough which is treated. Such a crank mechanism is therefore different from a crank mechanism designed to be used in an apparatus for transferring and dosing infusion products.

Even if a crank mechanism as the one disclosed in Konig et al. ('048) would be combined with a rotary drum as the one disclosed in Romagnoli ('808), the resulting apparatus would not meet the structure as claimed. More specifically, Claim 7 requires, among other things, the end of the second crank that is linked to the connecting rod be fork-shaped having two parallel arms extending perpendicular to a longitudinal axis of the transmission shaft with a coaxial hole in each arm aligned in parallel with the axis of the transmission shaft, and that each crank means further includes a pin in said coaxial holes coupling the first end of the connecting rod to the second crank, the first end of the connecting rod being positioned between the two arms. In this manner, the end of the second crank that is connected to the connecting rod acts coaxially on the piston.

There is no teaching or suggestion of such structure in either reference.

Thus, the combination of Konig et al. ('048) and Romagnoli ('808) fails to disclose a crank means having the structure claimed for acting coaxially on the piston in such a way as to enable the piston to move in a direction that is perfectly aligned with a longitudinal axis of the respective dosing cell, as asserted in the Office Action.

In view of the above, Konig et al. ('048) and Romagnoli ('808) either singly or in combination do not render claim 7 obvious. Accordingly, it is respectfully requested that the rejection of claim 7 under 35 U.S.C. §103 be withdrawn.

### **New Claims 8 - 12**

New claim 8 recites similar features to those of claim 7 but specifically claims the crank means interposed between the cam actuating device and each piston for acting coaxially on the piston moving the piston in a direction that is perfectly aligned with a longitudinal axis of the respective dosing cell. Neither Konig '342 or Konig '048 disclose identical or equivalent structure that performs the claimed function.

New claims 9 and 10 claim the specific structure of the crank means including that the end of the second crank that is linked to the connecting rod is fork-shaped in the specific manner as claimed. As set forth above, Konig '342 does not teach or suggest a fork-shaped end of the second crank.

New claims 11 and 12 claim the specific structure of the connection of the connecting rod to the piston which can be plainly seen in Figures 1 and 3.

In view of the above, none of Romagnoli '808, Konig '048 or Konig '342 anticipate or render obvious new claims 8 - 12 of the application.

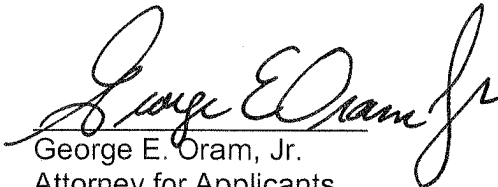
### **Conclusion**

The Applicants respectfully submit that claims 7 and 8 are allowable. Claims 9 - 12 depend from claim 8. The Applicants further submit that each of these claims incorporate the patentable aspects thereof, and are therefore allowable for at least the same reasons as discussed above. Accordingly, the Applicants respectfully request withdrawal of the objections and rejections, allowance of claims 7 - 12 and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 023349-00316.**

Respectfully submitted,

  
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Enclosures: English language translation of DE 844569  
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